

# Exhibit 65

**From:** Greg Bych  
**To:** JBatta@sandiego.gov  
**Date:** Mon, Sep 17, 2007 6:15 PM  
**Subject:** Re: Soledad Mtn Road

Jamal,

Right now it's strictly a funding issue - there are no claims and no clear city liability yet. However, I have alerted our Claims Manager, Peter Yee, and our Supervising Analyst, Joseph Walker. You can start by contacting Peter to provide him whatever info you have. Thx.

>>> Jamal Batta 09/17/07 4:57 PM >>>

Greg:

Who is involved with this project from RM? I would like to know so we can meet and exchange notes.

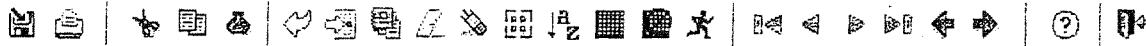
Thanks, jamal

**CC:** JWalker@sandiego.gov, PYee@sandiego.gov

# Exhibit 66

# Sewer/Water Infrastructure Management

Edit Actions Window Help



## Work Order SR# 3011239 WO# 1

Work Order Location / SR Motive Equip Comments Job Orders/Hours

SR#	Wo#	Requestor Name	Area	Phone #	Cntcts	Meet Cons
3011239	1	ITTA	858	459-9595	1	<input type="radio"/> Yes <input checked="" type="radio"/> No
SR Gen Dt	PM Date	Status	USA Ticket # / Exp Date	Drawg #	Type	Leave Findngs
09/18/07 11:54		CMP	00/00/00			<input type="radio"/> Yes <input checked="" type="radio"/> No

Prob Cd	Prim
1022P	Y

Street #	Frac	Predir	Street Name	Sfx	Suite#	Juris	Orig Prim Prob Cd
5734			DESERT VIEW	DR		SD	1161

Intersection	Cross Street
	PALOMINO DR

Service Request Location Description	Reported Location	<input type="radio"/> Water	<input checked="" type="radio"/> Sewer
STREET LEAK - SEEPING AND BUCKLING UP			

ES Svc Area	Svc Area	Plant SA	Fld Bk Pg	Grid	Thos Bros Pg	Last Update Dt / ID
W	2	MI	C12S		1248A2	09/20/07 09:11 XR

Plumber Info

SR Comment

# Exhibit 67

**From:** Jamal Batta  
**To:** Michael Handal; Rob Hawk  
**Date:** Tue, Sep 18, 2007 12:14 PM  
**Subject:** Re: Urgent Help needed -Sole Source Consultant Agreement

we will be on site for the meeting.....jamal,

=====  
=====

>>> Rob Hawk 9/18/2007 12:07 PM >>>

I have a field meeting scheduled at 1:45 PM today with Stan Helenschmidt, the geotechnical engineer, at the site to explain the conditions so that he can prepare a proposal. Jamal: I will send you & Michael Stan's contact info and yours to him in a separate email. Rob Hawk

Robert N. Hawk, PE  
Senior Engineering Geologist/Deputy City Engineer  
City of San Diego, Engineering and Capital Projects  
Field Engineering Division, MS 18  
9485 Aero Drive San Diego, CA 92123  
(858) 573-5011  
(858) 627-3297 (Fax)  
[rhawk@sandiego.gov](mailto:rhawk@sandiego.gov)

Working Together to Engineer a Better Tomorrow

>>> Jamal Batta 9/18/07 11:34:24 AM >>>

I developed that attached actions plan as a result of our meeting this morning. I'll keep updating the spread sheet and will add to it other items as we move on with this project.

Thanks, jamal

==  
=====

>>> Afshin Oskoui 9/18/2007 7:22 AM >>>

Tammy,

Just a heads up that we'll need your help to approve and process a sole source consultant agreement for a Geotechnical Consultant services for the Soledad Mtn Road. The road and associate underlying soil is showing signs of distress and possible movement, and we want to investigate it immediately as a health and safety issue. We are contacting some consultants to see who will accept the scope of work and will process an agreement post haste. We'll follow up w/ the necessary paper work as soon as we've identified the consultant who will perform the work. Your help is much appreciated. Please let me know if you have any questions. Thanks,  
Afshin

**CC:** Afshin Oskoui; Dave Zoumaras; David Jarrell; Hossein Ruhi; Marnell Gibson;  
Richard Haas

# Exhibit 68

**From:** Afshin Oskoui  
**To:** Frank Romero; Jamal Batta; Peter Mesich  
**Date:** 9/18/2007 12:51:01 PM  
**Subject:** Re: Fwd: Urgent Help needed -Sole Source Consultant Agreement

Peter/Michael,

We are not declaring an emergency at this point. However, given the circumstances we are moving rather quickly to sole source a professional geotechnical engineering agreement based on the consultant's familiarity w/ land slide issues in this area, and other work performed in the vicinity, and the urgent need to mitigate this issue in becoming an emergency. Additionally, we are estimating the agreement to be below \$250K, and under Mayor's authority to execute. Once we have the geotechnical investigation, we'll be in better position to assess the condition at hand. Please let me know if you have any questions. Thanks, Afshin

>>> Peter Mesich 09/18/2007 11:39:48 AM >>>  
 Jamal--

The designation of an emergency is not being questioned. The issue, or my part of it as your advising attorney, is that we follow the Code. Clearly, the Purchasing Agent will have to go before Council and report the emergency award and justifications. The Code Section does not say when, so the emergency should be handled first. But it must be done at some point.

Again, let me know if I can help.

Peter

Peter A. Mesich  
 Deputy City Attorney  
 1200 3rd. Ave., Suite 1100  
 San Diego, CA 92101  
 ph. (619) 533-5835  
 f. (619) 533-5856

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>>> Jamal Batta 09/18/07 10:52 AM >>>

Thanks Peter for getting back to me. It is my understanding now is that Mark Mercer from your office is already involved with this project. I'll verify with him if he is still involved.....jamal,

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 =====

>>> Peter Mesich 9/18/2007 9:21 AM >>>  
 Jamal,

Even if you sole-source this contract based on an emergency, the Municipal Code still requires the emergency still requires the following:

§22.3212 Contracts Not Required to be Competitively Bid



- (c) A contract to remedy an emergency that affects public health or safety, provided that:
- (1) The Purchasing Agent immediately reports the emergency award and its justifications to the City Council; and
  - (2) The Council by resolution acknowledges and ratifies the procurement;

Let me know if I can be of any assistance-

Peter

Peter A. Mesich  
Deputy City Attorney  
1200 3rd. Ave., Suite 1100  
San Diego, CA 92101  
ph. (619) 533-5835  
f. (619) 533-5856

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>>> Jamal Batta 09/18/07 9:00 AM >>>

Please send me the latest boiler for the short version consultant contract. This is a rush project and would like your help to expedite when it come back to you for sign off....thanks, jamal

=====

=====

>>> Afshin Oskoui 9/18/2007 7:22 AM >>>

Tammy,

Just a heads up that we'll need your help to approve and process a sole source consultant agreement for a Geotechnical Consultant services for the Soledad Mtn Road. The road and associate underlaying soil is showing signs of distress and possible movement, and we want to investigate it immediately as a health and safety issue. We are contacting some consultants to see who will accept the scope of work and will process an agreement post haste. We'll follow up w/ the necessary paper work as soon as we've identified the consultant who will perform the work. Your help is much appreciated. Please let me know if you have any questions. Thanks,

Afshin

CC: Dave Zoumaras; David Jarrell; Jaymie Bradford; Mark Mercer; Michael Calabrese;  
Ray Palmucci; Richard Haas; Tammy Rimes; Thomas Zeleny

# Exhibit 69

**From:** Afshin Oskoui  
**To:** Christopher Toth; Hasan Yousef; Jim Fisher; Stan Medina  
**Date:** 9/18/2007 1:45:30 PM  
**Subject:** Fwd: Re: Urgent Help needed -Sole Source Consultant Agreement

FYI, Jim, Chris, Mario

Please provide Jamal w/ your point of contact person so he can coordinate the daily issues with them.  
Thanks, Afshin

>>> Jamal Batta 09/18/2007 11:34:24 AM >>>

I developed that attached actions plan as a result of our meeting this morning. I'll keep updating the spread sheet and will add to it other items as we move on with this project.

Thanks, jamal

==

=====

>>> Afshin Oskoui 9/18/2007 7:22 AM >>>

Tammy,

Just a heads up that we'll need your help to approve and process a sole source consultant agreement for a Geotechnical Consultant services for the Soledad Mtn Road. The road and associate underlaying soil is showing signs of distress and possible movement, and we want to investigate it immediately as a health and safety issue. We are contacting some consultants to see who will accept the scope of work and will process an agreement post haste. We'll follow up w/ the necessary paper work as soon as we've identified the consultant who will perform the work. Your help is much appreciated. Please let me know if you have any questions. Thanks,  
Afshin

**CC:** Alex Ruiz; Hossein Ruhi; Jamal Batta; Jim Barrett; John Brown; Mario Sierra; Mark Mercer; Richard Haas; Tim Bertch

# **Soledad Mountain Road Repair**

From 5685 to 5735

Action Items

18-Sep-07

No.	Item	Assigned to	Due Date	Comments
1	Establish a team contact list	Jamal	9/21/2007	
2	Meet and obtain geotechnical scope of work	Rob	9/19/2007	
3	Hire the Geotechnical Consultant	Handal	9/24/2007	
4	Contact SDG&E to alert them	Rob	9/18/2007	
5	Contact all other dry utility companies	Handal	9/18/2007	
6	Establish survey control points to monitor movement	Marshall	9/19/2007	
7	Contact Street Division to seal and batch all cracks	Handal	9/18/2007	
8	Water highline	Jamal	9/18/2007	
9	TV and monitor the sewer main	Jamal	9/18/2007	
10	Sewer emergency plan in case of failure	Jamal	9/18/2007	
11	Research as built and records	Handal	9/18/2007	
12	Kill the FH across 5734 Desert View Dr.	Jamal	9/18/2007	
13	Funding	Jamal	9/18/2007	
14	Signs to slow down traffic	Jamal	9/19/2007	Verify with Traffic Ops.
15	Explore contractor recruitment methods	Jamal		

# Exhibit 70

**From:** Jamal Batta  
**To:** Ron Dodds  
**Date:** Tue, Sep 18, 2007 3:56 PM  
**Subject:** Fwd: Soledad Mountain Road (SMR) - Survey

Hi Ron:

We are in the process of hiring a consultant design a stability system for the subject road. We informed the consultant that City forces will provide the survey. Mike Handal will contact you to show you the limit of our work and to coordinate a site meeting between your staff and the consultant, if needed.

This is a rush project and any help to expedite the process will be greatly appreciated.

Thanks, jamal

**CC:** Michael Handal; Rob Hawk

# Exhibit 71

**From:** Jamal Batta  
**To:** Stan Medina  
**Date:** Tue, Sep 18, 2007 4:16 PM  
**Subject:** Soledad Mountain Road

Stan:

It is my understanding that City forces are ready to mobilize to highline the water main. Please let me know the schedule if available, or once it becomes available. Our work will be on the east side of the road.

Also we would like , if possible, to shut down the FH on the alley below. It is located at 5734 Desert View Drive. Please let me know if this is doable or if I need to coordinate with the Fire Department first.

Please let me know if you have any questions.

Thanks, jamal

**CC:** Afshin Oskoui; Dave Zoumaras



# Exhibit 72

**From:** Rob Hawk  
**To:** Mercer, Mark  
**Date:** 9/18/2007 4:51:09 PM  
**Subject:** Re: Fwd: Soledad Mt. Rd. Water Line

Mark: this is the final draft of the letter we'd like to send out to homeowners tomorrow if you can please review and change anything you feel necessary. Please send it back to me and I will distribute to the group, the Council office, and the project manager (Jamal Batta & Michael Handal) for mailing.

Thanks, Rob

Robert N. Hawk, PE  
Senior Engineering Geologist/Deputy City Engineer  
City of San Diego, Engineering and Capital Projects  
Field Engineering Division, MS 18  
9485 Aero Drive San Diego, CA 92123  
(858) 573-5011  
(858) 627-3297 (Fax)  
rhawk@sandiego.gov

Working Together to Engineer a Better Tomorrow

>>> Afshin Oskoui 9/18/07 4:27:15 PM >>>

Rob, yes let's send it to Mark for final review, and include the whole group as a cc so they also see the final draft version at the same time. Also, include Jaymie Bradford as part of your distribution. We should try to send the letter out by tomorrow, and coordinate w/ Stan/Jim to pick the date for the highlining as soon as possible. I'll be out of town the next three days, Hossein will cover for me while I am gone. Once the letter is ready to go out Hossein should coordinate w/ Jaymie to provide notification to CD 1 as the letters go out.

Also, as discussed we should provide Carol w/ some general speaking points about the situation in anticipation of the calls which may come in. Thanks, Afshin

>>> Rob Hawk 09/18/2007 4:10:35 PM >>>

Afshin: Attached is the letter to the homeowners. Marnell was the only one who got back to me with a correction (which was added). Shall I forward it to Mark Mercer?

I'll Rob

>>> Afshin Oskoui 9/17/07 5:13:36 PM >>>

Rob, can you add an introductory section to set the stage on what we are going to initiate in the area leading to the water's high lining exercise. I believe Dave was going to talk to Jamaal Batta, and assign him the project management responsibilities. I'll see which PIO we want to use as the contact person, may want to go with Carol Drummond who already have a hotline for our Utilities Undergrounding program. Thanks, Afshin

>>> Jim Fisher 09/17/2007 4:03 PM >>>

Afshin, We have reviewed the water system for the Soledad Mtn Rd area and will be able to remove the main from service. Our plan is to perform two cut & plugs to physically separate the main in the impacted area and highline approximately 10 homes. In addition, we will contact the Fire Department to determine the location and number of hydrants needed for fire protection.

Attached is some language that can be included in the letter to the homeowners. We will be ready to perform this work next week, once the letter has gone out. Please let me know when the letter is sent so that we can schedule the work.

If you have any questions, please let me know. Thanks Jim

**CC:** Batta, Jamal; Fisher, Jim

Dear Soledad Mountain Road Homeowner:

As you are aware, there have been a series of water leaks on service connections from our main water line on your street, resulting in unscheduled repair to water services, and traffic disruption due to repair activities. The purpose of this letter is to inform you that the City of San Diego will be installing above ground piping ("highline") to provide water service to your property beginning on September ??, 2007. At that time, the Water Department will isolate and depressurize (turn-off) the existing underground water main. In addition, City forces will be conducting a soil investigation in the area to determine the cause of the recent leaks. While most of this work will take place in the street and sidewalk, there will be some unavoidable inconvenience to local residents as equipment and personnel take up parking.

The purpose of this effort is to minimize potential for damage to the water main and roadway due to potential soil movement in the 5700 block of Soledad Mountain Road. Past soil movement in the general area in the 1960's and the 1990's resulted in damage to local underground water pipelines. Until the cause of the leaks has been identified and corrected, the City will utilize the highline to provide reliable water service for your property, and other properties that depend upon the subject water main.

We appreciate your patience and cooperation during our activities in the area to protect the utilities, and investigate and identify the cause of the problem. During this time, please contact Carol Drummond at our hotline (619) 533-3872 if you have any questions. If you notice any service leaks, please immediately call our utility hotline at (619) 515-3525.

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# Exhibit 73

**From:** James Nagelvoort  
**To:** Carol Drummond  
**Date:** Tue, Sep 18, 2007 4:55 PM  
**Subject:** Dessert View Issue

Carol,

FYI, I received a phone call from a resident that lives in the area that was very concerned. She was complaining about broken water services, earth movement, and cracking in the road. She did not leave a name but her number is (858) 454-8945. I was going to call her back but thought the better of it. Can you please call her as soon as you get the "message" down as to what we are going to say to the public.

Thanks, James

**CC:** Dave Zoumaras; Jamal Batta

# Exhibit 74



FOR IMMEDIATE RELEASE  
October 10, 2007

<p><b>OFFICE OF MAYOR JERRY SANDERS</b> <b>PRESS RELEASE &amp; ADVISORY</b></p>
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**SANDERS RELEASES PUBLIC DOCUMENTS  
RELATED TO EVENTS PRECEDING SOLEDAD LANDSLIDE**

*Documents Form Part of Investigation*

In furtherance of the principles of transparency and equal access to public information, Mayor Jerry Sanders today will release a portion of the public documents related to events preceding the Mount Soledad landslide on Wednesday, October 3<sup>rd</sup>. The documents being released cover July 18, 2007 through the present. As best can be discerned at present, July 18<sup>th</sup> is the first report of an activity at the site in the most recent time period. While not complete, the documents provide a snap-shot of how the City responded to the concerns of homeowners about soil movement and utility separations in the area. Additional documents, within and outside the time frame noted above, will be released in the coming weeks.

The documents will form part of the investigation that the Mayor has launched into the possible causes for the landslide. The investigation will also detail the City's reaction to events that preceded the slide, many perhaps unrelated. The Mayor has consistently asked everyone to maintain an open mind and not to reach premature judgments or conclusions. "I would ask that everyone suspend judgment on this subject until we are able to thoughtfully and deliberately determine, in an objective fashion, the circumstances that led to this catastrophic failure," said Mayor Sanders today.

**MEDIA ADVISORY**

**What:** Sanders Releases Documents Related to Events Preceding Landslide (July 18 - present). Additional documents will be released in the following weeks.

**Media:** Media wishing a set of the documents can come to the receptionist in the Mayor's office today at 2pm. One copy will be given to each news organization. This is for accredited media ONLY.



**General Public:** The same set of documents will be available to the public through the City Clerk's office beginning tomorrow morning, Thursday, October 11.

Where/  
When:      For Media pick-up:  
Mayor's Office  
City Hall  
202 C Street, 11<sup>th</sup> Floor  
Today, Wednesday, October 10  
2pm

For General Public:  
City Clerk's Office  
City Hall  
202 C Street, 2<sup>nd</sup> Floor  
Tomorrow, Thursday, October 11  
[A copy will also be posted on the  
city's website at [www.sandiego.gov](http://www.sandiego.gov)]

Following this document is a summary of some of the events that preceded the slide.

###

## **CITY OF SAN DIEGO RESPONSE TO EVENTS PRECEDING THE SOLEDAD LANDSLIDE**

### **City Water and Wastewater Departments Related Events and Responses:**

- On July 18, 2007, the first water leak in 3 ½ years in the landslide zone is reported to the City, and emergency work is performed near 5703 Soledad Mountain Road to repair a blown service.
  - A homeowner reports the water line repaired on July 18<sup>th</sup> is leaking again on August 1, 2007. The leak, which was minimal, was caused by a defective saddle in the water line and is repaired on August 6, 2007.
- One week later, MWWD televises the sewer lines on Soledad Mountain Road and reports no broken sewer mains, but does identify three root bound sewer laterals (which are the responsibility of the homeowners).
- A second leak is reported on August 10, 2007, at which time it is determined a water service line was pulled from the main line. The leak is repaired, and City staff is advised to make sure any leaks in the area receive high priority.
- Another leak is reported on August 31, 2007, but leak detection crews could not locate any leak.
- A magnitude 4.0 earthquake occurs on September 4, 2007 at 7:47 a.m. 8 miles southwest of La Jolla. At this point, it is unknown whether this event contributed to the landslide.
- A third leak is reported by a homeowner on September 14, 2007, and is repaired that same day.
- On September 20, 2007, the City began installation of a temporary high-line system.
- By September 30, 2007, City staff observes cracks in Soledad Mountain Road had widened. That same day, a leaking fire hydrant is reported, which is repaired on October 1, 2007.
- At approximately 8:50 a.m. on October 3, 2007, the landslide begins.

### **Communications with Affected Residents:**

- With assistance from the City Attorney's Office, a letter to homeowners on Soledad Mountain Road is hand-delivered on September 19, 2007 advising them of the City's plan to highline the water service. The City Attorney's Office removes any reference to soil movement from the letter. On September 20, 2007, the City began installation of a temporary high-line system.

- On October 2, 2007, the City distributes two letters to homeowners on Soledad Mountain Road, advising homeowners at 4 residences to not sleep in their homes that evening.

#### **City Response (other than to Water and Sewer Issues)**

- On August 15, 2007, City staff forms a team comprised of personnel from water, streets, sewer, and the City Attorney's Office to monitor and investigate concerns raised on Soledad Mountain Road. The first meeting of the City's Soledad Mountain Road team is held.
- On September 17, 2007, the Soledad Mountain Road Team, including the City Attorney's Office, holds its second meeting, and the decision is made to advise homeowners of the City's on-going work and investigation, and to retain an outside geotechnical consultant to assist in the evaluation of Soledad Mountain Road.

On this same day, the City receives a report prepared by an independent geotechnical engineer hired by a homeowner. The report indicates the affected property is experiencing soils movement, but recommends the homeowner monitor the home for six (6) months before determining if repairs or remediation is necessary.

- A third meeting of the Soledad Mountain Road Team, including the City Attorney's Office, takes place on October 1, 2007. The City's outside geotechnical consultant has begun its investigation at Soledad Mountain Road this day.
- Virtually all City operational departments were involved in events preceding the landslide. In the hopes of preventing an event, the City:
  - Reduced speed limit from 35 to 25 mph to reduce road vibration.
  - Geotechnical consultant was hired and on site.
  - Police and fire departments had been notified of the situation and the fire department had made arrangements in case of emergency.
  - Sewer lines were televised with no problems discovered.
  - Water service was high-lined.
- The City's geologist, Rob Hawk, was personally involved in the incident from the beginning and marshaled the City's resources to limit to destruction to public and private property.

# Exhibit 75

**From:** Mark Mercer  
**To:** Rob Hawk  
**Date:** 9/18/2007 5:16:47 PM  
**Subject:** Re: Fwd: Soledad Mt. Rd. Water Line

Sounds good.

Mark

Mark M. Mercer  
Deputy City Attorney  
1200 Third Avenue, Suite 1100  
San Diego, CA 92101-4178  
(619) 533-6295 (telephone)  
(619) 533-5856 (facsimile)

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>>> Rob Hawk 09/18/07 5:12 PM >>>

Not if you don't think so. I'll delete it & forward for mailing.

Thanks,  
Rob

Robert N. Hawk, PE  
Senior Engineering Geologist/Deputy City Engineer  
City of San Diego, Engineering and Capital Projects  
Field Engineering Division, MS 18  
9485 Aero Drive San Diego, CA 92123  
(858) 573-5011  
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[rhawk@sandiego.gov](mailto:rhawk@sandiego.gov)

Working Together to Engineer a Better Tomorrow

>>> Mark Mercer 9/18/07 5:10:09 PM >>>

Rob: See my comments to your letter. My only question is whether the sentence regarding the history of soil movements in the area is necessary. Everything else looks fine.

Regards,

Mark

Mark M. Mercer  
Deputy City Attorney  
1200 Third Avenue, Suite 1100  
San Diego, CA 92101-4178  
(619) 533-6295 (telephone)  
(619) 533-5856 (facsimile)

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>>> Rob Hawk 09/18/07 4:50 PM >>>

Mark: this is the final draft of the letter we'd like to send out to homeowners tomorrow if you can please review and change anything you feel necessary. Please send it back to me and I will distribute to the group, the Council office, and the project manager (Jamal Batta & Michael Handal) for mailing.

Thanks, Rob

Robert N. Hawk, PE  
Senior Engineering Geologist/Deputy City Engineer  
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Working Together to Engineer a Better Tomorrow

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If you have any questions, please let me know. Thanks Jim

CC: Jamal Batta; Jim Fisher; Ray Palmucci; Thomas Zeleny

# Exhibit 76





THE CITY OF SAN DIEGO

September 19, 2007

Dear Soledad Mountain Road Homeowner:

As you are aware, there have been a series of water leaks on service connections from our main water line on your street. This resulted in unscheduled repair to water services, and traffic disruption due to repair activities. The purpose of this letter is to inform you that the City of San Diego will be installing above ground piping ("highline") to provide water service to your property beginning on September 20, 2007. At that time, the Water Department will isolate and depressurize (turn-off) the existing underground water main. In addition, the City will be hiring a geotechnical consultant to conduct a soil investigation in the area to determine the cause of the recent leaks. While most of this work will take place in the street and sidewalk, there will be some unavoidable inconvenience to local residents as equipment and personnel take up parking.

The purpose of this effort is to minimize potential for damage to the water main and roadway from possible soil movement in the 5700 block of Soledad Mountain Road. Until the cause of the leaks has been identified and corrected, the City will utilize the highline to provide water service for your property and other properties that depend upon the subject water main.

We appreciate your patience and cooperation during our activities in the area to protect the utilities, and investigate and identify the cause of the problem. During this time, please contact Carol Drummond at (619) 533-3872 if you have any questions. If you notice any service leaks, please immediately call our utility hotline at (619) 515-3525.

Sincerely,

*James Bahr*  
Deputy City Engineer  
for/Hossein Ruhi  
City Engineer

JB/as

cc: Council President Scott Peters  
Jaymie Bradford, Director of Council Affairs, Mayors Office  
Rich Haas, Deputy Chief of Public Works  
Mario Sierra, Director, General Services  
Afshin Oskoui, Assistant Director, Engineering and Capital Projects  
Alex Ruiz, Assistant Director, Water Department  
Christopher Toth, Deputy Director, Metropolitan Wastewater Dept.  
Mark Mercer, Deputy City Attorney  
Peter Mesich, Deputy City Attorney  
Peter Yee, Liability Claims Supervisor, Risk Management



Transportation Engineering Division

Engineering and Capital Projects • 1010 Second Avenue, Suite 1200 • San Diego, CA 92101-4905

Tel (619) 533-3173

# Exhibit 77

**From:** Jamal Batta  
**To:** Julio Fuentes  
**Date:** Tue, Sep 18, 2007 6:07 PM  
**Subject:** Soledad Mountain Road

Julio:

Please forward this e mail if this street is not in your area.

We are in the process of hiring a consultant to evaluate the conditions of the subject road. In the meantime, we would like to minimize vibration of moving traffic so it doesn't impact the wet utilities underneath the road. Accordingly, can we put few signs to say minimize speed or something to that effect.

Please let me know.

Thanks, jamal

**CC:** Deborah Van Wanseele; Michael Handal

# Exhibit 78

**From:** Tammy Rimes  
**To:** Afshin Oskoui  
**Date:** Wed, Sep 19, 2007 8:52 AM  
**Subject:** Re: Urgent Help needed -Sole Source Consultant Agreement

Sure, you can fax it to my attention at 533-3224 and I will handle it immediately. Please be sure to include information about the company, the timing of the project, and the not-to-exceed amount with the correct authorization level signatures. We'll turn it around quickly for you.

Thanks,  
Tammy Rimes

>>> Afshin Oskoui 09/18/2007 7:22 AM >>>

Tammy,  
Just a heads up that we'll need your help to approve and process a sole source consultant agreement for a Geotechnical Consultant services for the Soledad Mtn Road. The road and associate underlaying soil is showing signs of distress and possible movement, and we want to investigate it immediately as a health and safety issue. We are contacting some consultants to see who will accept the scope of work and will process an agreement post haste. We'll follow up w/ the necessary paper work as soon as we've identified the consultant who will perform the work. Your help is much appreciated. Please let me know if you have any questions. Thanks,  
Afshin

**CC:** Dave Zoumaras; David Jarrell; Hossein Ruhi; Jamal Batta; Lance Wade; Marnell Gibson; Richard Haas; Rob Hawk

# Exhibit 79

**From:** Mark Mercer  
**To:** Rob Hawk  
**Date:** Wednesday, September 19, 2007 9:25:14 AM  
**Subject:** Re: Soledad Mountain Road investigation/Stabilization Project Progress Report 1 9/18/07

I presumed that have informed, correct? Who is the point of contact?

Mark

Mark M. Mercer  
Deputy City Attorney  
1200 Third Avenue, Suite 1100  
San Diego, CA 92101-4178  
(619) 533-6295 (telephone)  
(619) 533-5856 (facsimile)

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>>> Rob Hawk 09/19/07 9:22 AM >>>

We usually make that determination for with the City Building Official. Rob

>>> Mark Mercer 9/19/07 9:10:39 AM >>>

Do we need to inform the County or state agency if this is a health and safety issue? At what point do would we need to evacuate residents?

Mark

Mark M. Mercer  
Deputy City Attorney  
1200 Third Avenue, Suite 1100  
San Diego, CA 92101-4178  
(619) 533-6295 (telephone)  
(619) 533-5856 (facsimile)

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>>> Rob Hawk 09/19/07 9:01 AM >>>

FYI: These action items or tasks have been performed as of Tuesday 9/18/07 by ECP staff following the 9/17/07 meeting.

1. Michael Handal & Jamal Batta have been tasked with the project management duties for the investigation and construction of the stabilization.

2. ECP Staff met on site Tuesday afternoon with Stan Helenschmidt and Mike Hart from Helenschmidt Geotechnical, Inc. This is what we agreed on:
  - a. The geotechnical consultant will give us a proposal by tomorrow to install inclinometers to measure the earth movement and displacement (if any).
  - b. The geotechnical proposal will be ready by Friday or Monday at the latest. The proposal will include soil exploration and investigation. Prepare plans and specs for construction. Fees and schedule.
  - c. Field Engineering will do the survey.
3. Jaymie Bradford, Mario Sierra, John Brown, and Hasan Yousef have been added to the general distribution list for this issue
4. SDG&E was contacted regarding protecting their utilities and will contact Jamal. (Maricela Leon 858.654.8339 Fax 858.636.3965 [mleon@semprautilities.com](mailto:mleon@semprautilities.com))
5. The text of the letter to homeowners was provided by the Water Department, and has been reviewed by a Deputy City Attorney and has been sent to the management group for review prior to mailing (planned for Wednesday).
6. Carol Drummand, Senior PIO, was named as the Hotline contact for this project. She toured the site today with Jamal, Rob, Michael and the geotechnical consultants.
7. The Building Official and DSD geology staff were briefed on the geotechnical issues and risk concerns for the area residents by Rob Hawk on Monday, 9/17/07.
8. ECP Field Engineering agreed to set up a survey monitoring grid to detect vertical and horizontal displacement in the affected area. Points to be set on 9/19/07

Robert N. Hawk, PE  
Senior Engineering Geologist/Deputy City Engineer  
City of San Diego, Engineering and Capital Projects  
Field Engineering Division, MS 18  
9485 Aero Drive San Diego, CA 92123  
(858) 573-5011  
(858) 627-3297 (Fax)  
[rhawk@sandiego.gov](mailto:rhawk@sandiego.gov)

Working Together to Engineer a Better Tomorrow



# Exhibit 80

**From:** Jamal Batta  
**To:** AOskoui@sandiego.gov  
**Date:** Wed, Sep 19, 2007 10:00 PM  
**Subject:** Soledad Mountain Road

Afshin:

I am talking with Traffic Ops to reduce the traffic speed on the road to minimize vibration.

We are in touch with all dry utility companies including SDG&E for their gas line.

I was thinking that at some point, we may need to get in touch with the Fire and Police Departments to alert them about the situation of the road / slope, in case they want to draw their contingency plan in the event of a disaster.

Thanks, jamal

**CC:** RHaas@sandiego.gov,DZoumaras@sandiego.gov

# Exhibit 81

**From:** "Afshin Oskoui" <AOskoui@SanDiego.gov>  
**To:** <jbatta@sandiego.gov>, <AOskoui@sandiego.gov>  
**Date:** Thu, Sep 20, 2007 8:33 AM  
**Subject:** RE: Soledad Mountain Road

Please contact Chief Maheu (PD), and Chief Manier to brief them about our efforts in the area. Thx, a

-----Original Message-----

From: "Jamal Batta" jbatta@sandiego.gov  
To: AOskoui@sandiego.gov  
Cc: DZoumaras@sandiego.gov; RHaas@sandiego.gov  
Sent: 9/19/07 10:00 PM  
Subject: Soledad Mountain Road

Afshin:

I am talking with Traffic Ops to reduce the traffic speed on the road to minimize vibration.

We are in touch with all dry utility companies including SDG&E for their gas line.

I was thinking that at some point, we may need to get in touch with the Fire and Police Departments to alert them about the situation of the road / slope, in case they want to draw their contingency plan in the event of a disaster.

Thanks, jamal

[Message delivered by NotifyLink]

**CC:** <DZoumaras@sandiego.gov>, <RHaas@sandiego.gov>, <rhawk@sandiego.gov>, <HRuhi@sandiego.gov>

Exhibit 82

**From:** Jamal Batta  
**To:** WILLIAM MAHEU  
**Date:** Thu, Sep 20, 2007 4:53 PM  
**Subject:** Soledad Mountain Road

Hi Chief:

We are trying to work on the subject road to protect existing utilities and to have contingency plans in the event of any unforeseen conditions. The section we are concerned about is between 5685 - 5735 Soledad Mountain Road.

Please let me know if you have any questions.

Thanks, Jamal,